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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,206	10/22/2003	Tsutomu Honma	1232-5182	8179

27123 7590 03/15/2007

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3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER	
LILLING, HERBERT J	
ART UNIT	**PAPER NUMBER**
1657	
MAIL DATE	**DELIVERY MODE**
03/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/692,206	**Applicant(s)** HONMA ET AL.	
	Examiner HERBERT J. LILLING	**Art Unit** 1657	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
 a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

 NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: ATTACHMENTS A,B,C

HERBERT J LILLING
Primary Examiner
Art Unit: 1657

Continuation of 11. does NOT place the application in condition for allowance because:

The arguments have been deemed not to be persuasive and the rejections based on 35 U.S.C. 102(e) and Double Patenting of the obviousness type have been maintained for the following reasons:

The filing date of the prior art under 35 U.S.C. 102(e) is April 29, 2002 as clearly indicated by the Palm Intranet Application Number Information which indicates the effective filing date as 04/29/2002.

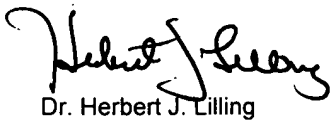
The rejection under Double Patenting is proper for the reasons submitted. Applicant has admitted the overlapping of the claimed subject matter which is the grounds for the double patenting of the obviousness type. The rejection is based on:
In situations where a reference is properly excluded as prior art under 35 U.S.C. 103(c) based on common ownership or a joint research agreement, if the reference is available as anticipatory prior art, a rejection should also be made under 35 U.S.C. 102(e). Revised to clarify that a nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s).

Thus, the rejections are maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lilling whose telephone number is 571-272-0918 and Fax Number is 571-273-8300. or SPE Jon Weber whose telephone number is 571-272-0925. Examiner can be reached Monday-Friday from about 7:30 A.M. to about 7:00 P.M. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.J.Lilling: HJL
(571) 272-0918
Art Unit 1657
March 07, 2007 Ser No 10/692,206



Dr. Herbert J. Lilling
Primary Examiner
Group 1600 Art Unit 1657 .

10/692206

A



US006858367B2

(12) **United States Patent**
Yano et al.

(10) **Patent No.: US 6,858,367 B2**
(45) **Date of Patent: Feb. 22, 2005**

(54) **BINDER RESIN CONTAINING NOVEL POLYHYDROXYALKANOATE, TONER CONTAINING THE BINDER RESIN, AND IMAGE-FORMING METHOD AND IMAGE-FORMING APPARATUS WHICH MAKE USE OF THE TONER**

(75) Inventors: **Tetsuya Yano**, Kanagawa (JP); **Etsuko Sugawa**, Kanagawa (JP); **Takeshi Imamura**, Kanagawa (JP); **Takashi Kenmoku**, Kanagawa (JP)

(73) Assignee: **Canon Kabushiki Kaisha**, Tokyo (JP)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 282 days.

(21) Appl. No.: **10/133,378**

(22) Filed: **Apr. 29, 2002**

(65) **Prior Publication Data**

US 2003/0072594 A1 Apr. 17, 2003

(30) **Foreign Application Priority Data**

Apr. 27, 2001 (JP) 2001/133478
Jun. 14, 2001 (JP) 2001/180626

(51) **Int. Cl.**[7] **G03G 9/00**; C08G 63/06

(52) **U.S. Cl.** **430/109**; 528/354; 528/361; 525/437; 525/444; 525/450; 430/107; 430/110; 430/127; 430/311

(58) **Field of Search** 528/354, 361; 525/437, 444, 450; 430/107, 109, 110, 127, 311

(56) **References Cited**

U.S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

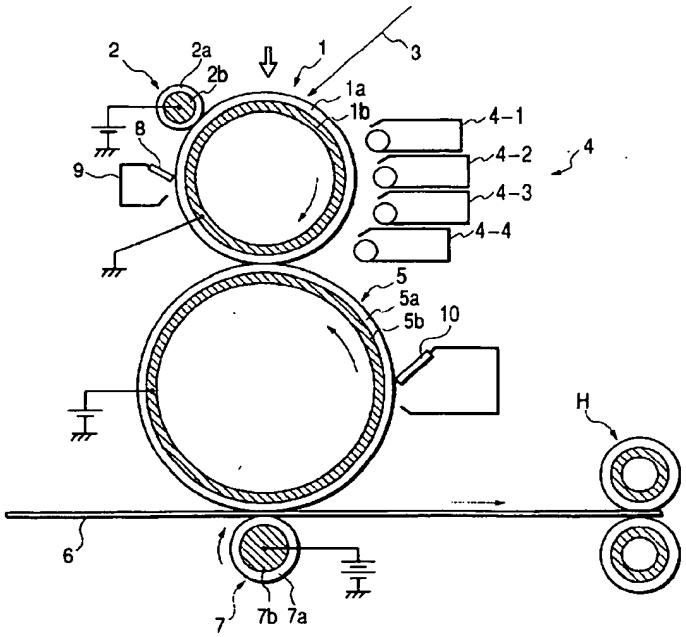
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Primary Examiner—Samuel A. Acquah
(74) *Attorney, Agent, or Firm*—Fitzpatrick, Cella, Harper and Scinto

(57) **ABSTRACT**

A binder resin which forms a resin powdery product such as a toner for developing electrostatic latent images. The binder resin comprises a biodegradable resin comprising a polyhydroxyalkanoate produced by culturing a microorganism and having as a specific monomer unit a 3-hydroxyalkanoic acid such as 3-hydroxy-5-phenylvaleric acid. This binder resin has very good properties as a binder resin and also has a high safety to human bodies and environment. Also disclosed are a toner for developing electrostatic latent images which contains such a binder resin, and an image-forming method and an image-forming apparatus which make use of the toner.

10 Claims, 10 Drawing Sheets



10/692206

PALM INTRANET

Day : Wednesday
Date: 3/7/2007
Time: 17:55:37

Application Number Information

Application Number: **10/692206** **Assignments**
Filing or 371(c) Date: **10/22/2003** eDan
Effective Date: **10/22/2003**
Application Received: **10/24/2003**
Pat. Num./Pub. Num: **/20040143087**
Issue Date: **00/00/0000**
Date of Abandonment: **00/00/0000**
Attorney Docket Number: **1232-5182**
Status: **80 /RESPONSE AFTER FINAL ACTION FORWARDED TO EXAMINER**
Confirmation Number: **8179**

Examiner Number: **60670 / LILLING, HERBERT**
Group Art Unit: **1657**
Class/Subclass: **435/135.000**
Lost Case: **NO**
Interference Number:
Unmatched Petition: **NO**
L&R Code: Secrecy Code:**1**
Third Level Review: **NO**
Oral Hearing: **NO**

IFW IMAGE

Waiting for Response Desc.
Amndt.aftr final

Secrecy Order: **NO**

Status Date: **03/02/2007**

Title of Invention: **POLYHYDROXYALKANOATE CONTAINING UNIT HAVING CYCLOHEXYL STRUCTURE AT SIDE CHAIN, PRODUCTION PROCESS THEREFOR, AND BINDER RESIN CONTAINING POLYHYDROXYALKANOATE**

Bar Code	PALM Location	Location Date	Charge to Loc	Charge to Name	Employee Name	Location

Appln Info | Contents | Petition Info | Atty/Agent Info | Continuity/Reexam | Foreign Data | Inventors |

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PALM INTRANET

Day : Wednesday
Date: 3/7/2007
Time: 18:09:33

Application Number Information

Application Number: **10/133378** **Assignments**
Filing or 371(c) Date: ~~**04/29/2002**~~ eDan
Effective Date: **04/29/2002**
Application Received: ~~**04/29/2002**~~
Pat. Num./Pub. Num: **6858367/20030072594**
Issue Date: **02/22/2005**
Date of Abandonment: **00/00/0000**
Attorney Docket Number: **03500.016382**
Status: **150 /PATENTED CASE**
Confirmation Number: **3895**

Examiner Number: **65819 / ACQUAH, SAMUEL**
Group Art Unit: **1711** **IFW IMAGE**
Class/Subclass: **430/109.000**
Lost Case: **NO**
Interference Number:
Unmatched Petition: **NO**
L&R Code: Secrecy Code:**1**
Third Level Review: **NO** Secrecy Order: **NO**
Status Date: **02/02/2005**
Oral Hearing: **NO**

Title of Invention: **BINDER RESIN CONTAINING NOVEL POLYHYDROXYALKANOATE, TONER CONTAINING THE BINDER RESIN, AND IMAGE-FORMING METHOD AND IMAGE-FORMING APPARATUS WHICH MAKE USE OF THE TONER**

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